ICF Comment #	Date Received	Chapter/ Appendix	Page(s)	Line(s)
982	7/3/13	3	3-3	
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984	7/3/13	3	3-3	16–1 9

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986	7/3/13	3	3-11	17-19
987	7/3/13	3	3-17	Table 3-2
988	7/3/13	3	3-20	7
989	7/3/13	3	3-30	6-9
990	7/3/13	3	3-31	28-29
991	7/3/13	3	3-33	Table 3-6

992	7/3/13	3	3-37	Whole section
993	7/3/13	3	3-158	Table 3-13, 3-14, and 3-15.
994	7/3/13	3	3-103	27-39
995	7/3/13	3	3-100	Whole section
996	7/3/13	3	3-182	Table 3-23

997	7/3/13	3	3-181	General
2780	7/3/13	3A	3A	General
2781	7/3/13	3A		General
2782	7/3/13	3A	3A-14	12-33
2783	7/3/13	3A	3A-14	13-38
2784	7/3/13	3A	3A-17	16-36

2785	7/3/13	3A	3A-23	8-35
2786	7/3/13	3A	3A-23	8-35
2787	7/3/13	3A	3A-71	13-38
2788	7/3/13	3A	3A-84	Table 3A-1

Comment	Agency	Agency Type
Section 3.1.1 – is the Preferred Alternative also preferred under NEPA or just CEQA?	USEPA	Cooperating
This sentence refers to Alternative 4 of the BDCP. Is it really CM1 Alternative 4 that is being discussed in the sentence or BDCP Alternative 4?	USEPA	Cooperating
We recommend adding text to this section that explains the apparent difference in opinion about scientific knowledge regarding the relationship between Delta outflows and restoring ecosystem processes and fish populations and Delta outflows resulting from the preferred alternative operational scenario. The preferred Alternative 4 results in minor changes, -1% to 5% [1], to Delta outflow relative to existing conditions. This suggests that BDCP applicants consider these changes sufficient to meet the ESA Section 10 requirement of "contributing to recovery of endangered and threatened species." There is broad scientific agreement that existing Delta outflow conditions are insufficient for protecting the aquatic ecosystem and multiple fish species, and that both increased freshwater flows and aquatic habitat restoration are needed to restore ecosystem processes in the Bay Delta and protect T & E fish populations. [2] This includes statements from lead federal agencies. If there is sound scientific information that supports the perspective that increased Delta outflows are not needed and habitat restoration alone would be able to restore ecosystem processes and protect fish species, it should be presented in this DEIS. [1] Tables 5-7 and 5-8, Chapter 5 Water Supply Administrative Draft EIS for BDCP. [2] (a) Public Policy Institute of California (2013) Scientist and Stakeholder Views on the Delta Ecosystem "a strong majority of scientists prioritizes habitat and flow management actions that would restore more natural processes within and upstream of the delta" (p. 2). http://www.ppic.org/content/pubs/report/R_413EHR.pdf (b) State Water Resources Control Board (2010) Development of Flow	USEPA	Cooperating

The phrase "…DWR considers to be an optimal balance between ecological and water supply objectives" in reference to Alternative 4 implies that DWR is optimizing a balance between the aquatic ecosystem and water supply and throughout the entire water delivery system. We recommend modifying this sentence to more precisely communicate that a portion of the water supply system is being modified to improve reliability and that Alternative 4 is intended to optimize ecological and water supply objectives under a portion of the CVP-SWP delivery system. This would better communicate that adjusting deliveries north of the Delta is not included as a potential method of optimizing ecological and water supply objectives.	USEPA	Cooperating
The reasons for eliminating these alternatives should be more clearly identified. The document refers to the screening analysis appendix but these decisions should be highlighted in the DEIS.	USEPA	Cooperating
Are the activities to reduce the effects of methylmercury contamination also focused on minimizing transport of methylmercury? The text here only refers to formation.	USEPA	Cooperating
Will near term CMs include acquisition of terrestrial and wetland habitat only or will they include restoration actions too? If so, we recommend including restoration actions in this sentence. It appears that the action is only to acquire the land but not to actively restore it for benefits to fish and wildlife in the near term.	USEPA	Cooperating
What are the reasons for assuming that regulating the ratio of exports to imports would not apply to the north of delta intakes?	USEPA	Cooperating
Why is 55% unimpaired flow from **February** to June evaluated instead of a range of unimpaired flows from **January** to June as it is suggested in the State Water Board 2010 Flow Criteria Report? Is this a typographical error or is it really February to June 55% unimpaired flow? If so, why does it not include January?	USEPA	Cooperating
The comparison among operational elements of the nine CM1 alternatives presented in this table appears to show that the operational elements of the nine alternatives are very similar to one another. This can be seen in Tables 5-5, 5-7, and 5-8 where we see that Delta Outflow varies between -2% to 14% relative to existing conditions. We anticipate high potential for positive and negative CM1 impacts on aquatic communities to be a direct result of the operational elements of the CM1 alternatives. Predicted water quality exceedences for all the alternatives are potentially a product of having very similar operational elements in the alternatives. One way to expand the operational elements would be to determine operational scenarios that mitigate water quality exceedences below the level of water quality standards or other relevant benchmarks.	USEPA	Cooperating

Does the No Action Alternative include D-1641 spring flows at Vernalis or VAMP flows?	USEPA	Cooperating
Information about historical flows should be provided with these tables to provide a frame of reference for understanding the North Delta Intake Bypass Flow Criteria, Post-Pulse criteria, and OMR flow criteria. This could be done using cumulative flow distributions that show how often flows identified in the operational rules are in the Rivers at given locations, during certain times of the year. This information should be available for comparisons for all of the Scenarios.	USEPA	Cooperating
Are upgrades to the Fremont Weir part of the proposed project (p. 3-103) OR part of the No Action (p. 3D-19)? It seems like they cannot be both.	USEPA	Cooperating
How often/how much would the Yolo Bypass be flooded across the different water year types and life of the permit?	USEPA	Cooperating
Adaptive management should include operational elements that result in a broader range of freshwater flows through the Delta than are currently identified in H1-H4.	USEPA	Cooperating

Has an adaptive management strategy with targets been identified for any of the other alternatives?	USEPA	Cooperating
This screening analysis is relevant to a programmatic document and should be in a DEIS chapter directly instead of being placed in an appendix.	USEPA	Cooperating
This is the first time EPA has reviewed this screening document. These screening criteria were not evaluated or agreed upon by EPA previously. We were not requested to provide any comments or suggestions prior to this review. These comments represent a first initial review of this document and are not likely to include all comments that emerge from a comprehensive reading of the entire document. In particular, we emphasize that our review and comments should not be read as agreeing that these screening criteria are being used appropriately to identify the alternative most likely to contain the Least Environmentally Damaging Practicable Alternative (LEDPA) at a programmatic level, consistent with the 404(b)(1) Guidelines at 40 CFR Section 230. We would like to meet with the lead and cooperating federal agencies to discuss how these criteria were developed and applied to determine whether or not they are consistent with NEPA and other regulatory requirements for evaluating project alternatives, the 404(b)(1) Guidelines in particular.	USEPA	Cooperating
The Purpose and Need statement in Appendix 3A is different from the statement in ADEIS/EIR Chapter 2 Purpose Statement (Chapter 2, page 2-4 and 2-5). Which version of the purpose statement was used for screening?	USEPA	Cooperating
The text should be clear about whether or not the screening process eliminated alternatives because they did not meet the these elements of the purpose statement in Appendix 3A: "reducing the adverse effects to certain listed species of diverting water by relocating the In takes of the SWP and CVP." This element limits alternatives to only those that build new SWP and CVP pumps in the north Delta. This would eliminate Alternative 9, but that one was carried forward. "up to full contract amounts"	USEPA	Cooperating
Are these bullets the Third Level Screening Criteria? The topic sentence says the bullets below are "considerations reflected in the Third Level Screening Criteria." The Third Level Screening Criteria should be contained in one table with the metrics used to determine whether or not criteria are met.	USEPA	Cooperating

We would like to discuss this screening criterion with the lead federal agencies and discuss their perspective on how it is consistent with NEPA: "Would the potential alternative result in the impairment of existing senior water rights in the Sacramento – San Joaquin Rivers watershed who are not applicants for incidental take authorization through the proposed Bay Delta Conservation Plan?"	USEPA	Cooperating
We are concerned that the above criterion may result in the elimination of alternatives that are less damaging to the aquatic environment, which presents a substantial CWA Section 404 permitting problem because CWA Section 404 permits are restricted to the LEDPA.	USEPA	Cooperating
Unlike the preferred alternative for CM1, which would only minimally change flows through the estuary, this alternative would substantially increase flows through the estuary and provide greater protection for resident fishes. It is important to demonstrate that eliminating this alternative did not eliminate a potentially less environmentally damaging practicable alternative. If such documentation does not already exist, a more complete analysis of this alternative may be required for a CWA permit.	USEPA	Cooperating
Is there a quantitative definition of "most" that was used in the screening process? Is this greater than 50% of the criteria? Are all criteria considered equal?	USEPA	Cooperating

Response	Comment Type	Status
At this point, it is only under CEQA. This issue was discussed at a live edit meeting with the lead agencies and text was added to clarify that a Preferred Alternative has not yet been identified for NEPA.	P	D
CM1 of Alternative 4 has been modified substantially from previous iterations. These text revisions are based on lead agency direction. No change has been made.	E	N
Additional information regarding this issue has been added to the discussion of the decision trees, under the description of operational scenario H (which corresponds to Alternative 4). See section 3.6.4.2 under Scenario H.	P	M

"in the Plan Area" has been added to the end of this sentence, to geographically limit this phrase, per the commenter's request.	I	D
A summary discussion of reasoning behind eliminating these alternatives has been included in the introductory sentence, which states that alternatives were eliminated because they included similar or duplicative features, because they would fail to meet the purpose and need for the BDCP, or because they would likely violate federal and state statutes and regulations. No additional text has been added.	I	N
These activities also cover reduction of mobilization of methylmercury. This has been added to the description in the table.	I	D
Yes, this includes restoration, The first part of this sentence reads "The NT measures include early habitat creation or restoration actions..." No changes have been made.	I	N
The rationale was based on the fact that the I ratio, as written, did not contemplate new intakes in the North Delta. For clarity, this has been updated to refer to the "south Delta I ratio." and footnotes have been added in several instances to clarify these assumptions.	P	M
Yes, this should read January. The text has been corrected.	T	D
This comment will be considered for the final draft; new alternatives are not being considered at this point. The conservation plan has provisions for Real Time Operations (add section reference) which would consider effects on water quality. ICF/RBI to dig into the differences in exceedances. Variation in magnitude and frequency of effects on WQ.	P	N

Standards for maximum salinity near Vernalis were assumed to be those from D-1641, as described in Appendix 5A, Table B-8, which includes a comprehensive description of assumptions used for modeling exisitng conditions and the No Action Alternative.	I	N
This comment will be considered for the final draft; this chapter is not intended to provide impact analysis and compare operational scenarios to any baseline conditions. Please provide additional background for this request.	I	N
Upgrades to Fremont Weir could take a different form under the No Action Alternative. Those proposed upgrades under CM2 would not necessarily reflect the effects of implementing modifications to Fremont Weir under the No Action Alternative. Discussion of the inclusion of actions required in the BiOp RPAs can be found in Section 3.5.1 of this chapter.	I	N
Operational scenarios have not been finalized for CM2. The frequency and volume of inundation would vary, but, as described in Chapter 3 of the BDCP, "project-associated inundation of areas that would not otherwise have been inundated is expected to occur in no more than 30% of all years, since Fremont Weir is expected to overtop the remaining estimated 70% of all years." Based on an operational scenario developed for discussion and illustrative purposes, flows up to 6,000 cfs would be initiated in November under certain conditions, with a targeted inundation footprint ranging from 7,000 to 17,000 acres. See Table 3.4.2-1 in BDCP Chapter 3 for further detail.	I	N
As described in Section 3.3.2.2, and adaptive management and monitoring program would apply to any form that the BDCP will take. The decision tree will act as a sort of starting point for adaptive management and it is anticipated that a broader range of flows could be identified during the adaptive management phase. This program is described further in Chapter 3, Section 3.6, of the BDCP. Additionally, short term adjustments in operations could be determined through the real time operations process described in Section 3.4.1.4.5 of Chapter 3 of the BDCP. Such adjustments would consider water quality standards.	I	N

As described in Section 3.3.2.2, an adaptive management and monitoring program would apply to any form that the BDCP will take. This program is described further in Chapter 3, Section 3.6, of the BDCP.	I	N
Such a large formatting change is not feasible at this time.	P	N
The Lead Agencies are committed to working with all permitting agencies as the environmental compliance, construction, and operations phases of the BDCP move forward, including EPA. The Lead Agencies look forward to meeting with EPA to discuss Section 404 requirements.	P	N
The text now reflects the Purpose Statement in Chapter 2.	T	D
The text now reflects the Purpose Statement in Chapter 2 and no longer excludes Alternative 9. Additionally, a footnote was added to explain what "full contract amounts" meant.	T	D
These bullets are the third level screening criteria. This is reflected in Table 3A-3.	E	N

Any consideration of changes in water use upstream of the Delta would require covered activities outside of the Plan Area proposed in the BDCP. These potential covered activities would therefore be outside of the scope of the HCP. Additionally, this would have the potential to require changes in the legal Sacramento River water rights or water entitlements of third parties other than BDCP permit applicants that are beyond the scope of the regulatory authority of the agencies charged with considering approval of the proposed BDCP (including DFW, which approves the NCCP, and USFWS and NMFS, which approve the HCP).	P	N
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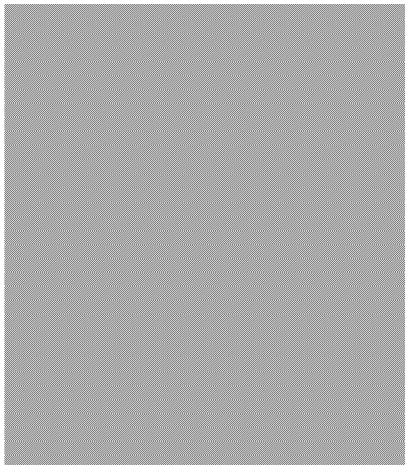
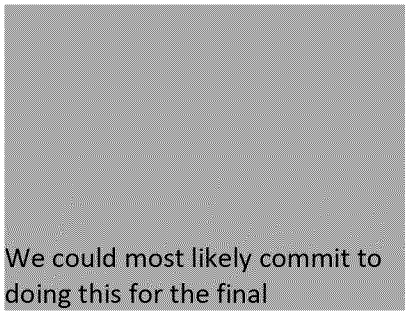
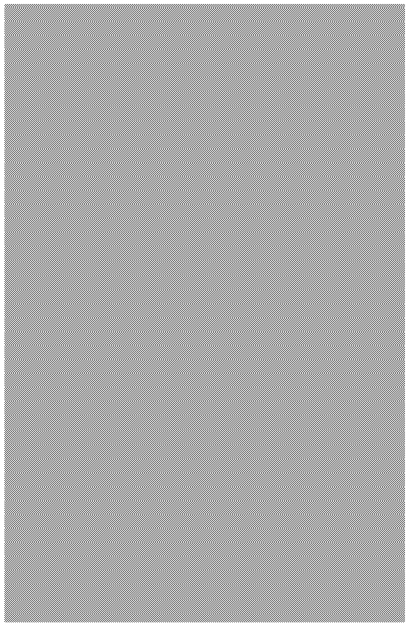
Appendix 3A describes the potential for this alternative to have adverse effects on reservoir levels, river flows in the Sacramento and Feather Rivers, fish and aquatic resources, and on pre-1914 water rights holders. This would have the potential to require changes in the legal Sacramento River water rights or water entitlements of third parties other than BDCP permit applicants that are beyond the scope of the regulatory authority of the agencies charged with considering approval of the proposed BDCP (including DFW, which approves the NCCP, and USFWS and NMFS, which approve the HCP).	I	N
In this usage, most is defined as the greatest part or number. No strict quantitative definition has been applied for the purpose of this screening analysis.	I	N




We could most likely commit to
doing this for the final



This refers to "Consideration of Legal Rights of Entities that are not BDCP Participants."

This refers to "Consideration of Legal Rights of Entities that are not BDCP Participants."

It's possible that additional discussion of this could be added. It sounds, however, that the potential effects on the coldwater pool would take this out of the running as the LEDPA.